

*(Comments in Bold Italics by L. Johnston to consultants for preparation of Specific Plan/EIR/EA. Note that the applicants have submitted a proposed Specific Plan – consultant is to utilize information from the submittal to create a Specific Plan for the County)*

## COMMENTS FOR SCOPING MEETING - RODEO GROUNDS SPECIFIC PLAN

The undersigned request that the following comments be included in the subject matter to be considered by the EIR/EA for the Rodeo Grounds Specific Plan.

### 1. BUILDING HEIGHTS

1.1. The Rodeo Grounds Specific Plan (***applicant's submittal***) would allow buildings up to 90 feet tall. The Mono County General Plan does not allow 90 foot tall buildings. An amendment of the General Plan would be necessary before the Specific Plan could be adopted. It is uncertain whether such an amendment would be adopted. Based on the preliminary results of a recent survey, a substantial majority of the people would oppose it. In the event the amendment does not get adopted, or gets overturned on appeal, an EIR/EA based on 90-foot-tall buildings will be inapplicable. (***Applicant has submitted a GPA to allow up to 90' for Resort Center area of their plan; SP/GPAmendment /EIR are being processed concurrently –EIR should evaluate worst case 90' heights –EIR would still be applicable to a lesser scale project, especially if mitigation from EIR was to lower heights )***)

1.2. An EIR/EA that is inapplicable to the project for which it is prepared would be invalid. (***comment not applicable to EIR content***)

1.3. The Mono County tax payers should not have to pay for the preparation of an EIR/EA that turns out to be invalid and the process has to be started over. (***note: all costs of EIR/EA are paid by applicant – no taxpayer cost***)

### 2. POPULATION DENSITY

2.1. The June Lake Area Plan, at section 111-47, states that the maximum population density for the Rodeo Grounds, at peak periods, is 2,610 people at one time (P AOT). (***2610 is an population estimate, not a maximum/minimum, from page III-47 Table in Area Plan. Rough estimate from project application is 2550 plus or minus, still lower than 2610 – see Area Plan attached in RFP. Consultant should specifically calculate estimated population in Specific Plan/EIR***)

2.2. The Rodeo Grounds Specific Plan, at paragraph 4.6 states, for purposes of density calculations, one bedroom shall be equal to one-half of a dwelling unit. (***only applies to smaller hotel type rooms –planning division suggests this be clarified in Specific Plan prepared by consultants –e.g., use whole numbers only***)

2.3. Paragraphs 4.10 and 4.11 state that single family dwellings may include one secondary suite up to 800 square feet, or 30% of the area of the main dwelling. ***(Will have to be modified in Specific Plan to be consistent with County ordinance, which prohibits secondary units on lots less than 7,500; allows an attached unit max of 400 square feet for lots between 7,500 and 10,000 sf ; allows an attached unit max of 640 sf for lots 10,000 sf to 1 acre; and allows either attached or not attached second unit, no max, on lots greater than 1 acre. Principal residence must be owner-occupied; approved by Director Review – see Chapter 16 of ordinance for more requirements).***

2.4. Taken together, paragraphs 4.6, 4.10 and 4.11 of the Specific plan mean that a single-family dwelling, including its secondary unit, will be limited to a total of two bedrooms. It is unlikely Intrawest intends to sell expensive custom home sites, with a right to build secondary units, and limit the house and the secondary unit to a combined total of two bedrooms. The logical conclusion is that Intrawest does not intend to comply with its own density calculations contained in Paragraph 4.6. ***(don't see the logic in this statement - see notes above)***

2.5. Nowhere in the Specific Plan does it state what the overall total PAOT will be. ***(Provide in Specific Plan a more precise estimate of number of people in project – we roughly estimate around 2550 as noted above and as presented at scoping meeting)***

2.6. Larry Johnston of the Mono County Planning Department stated publicly that there is no limit on density in the rodeo grounds, and Intrawest has not applied for an amendment to the General Plan to change the density. ***(I spoke to writer of this letter and one other person at counter – indicated any applicant may apply for any density – doesn't mean it would make sense or will be approved, but they can apply. The target density in Area Plan is 10 units per acre which is what is proposed by applicant)***

2.7. The implication is that Intrawest intends to, in effect, amend the General Plan with respect to population density, without going through the appropriate public process. ***(applicant's proposal appears to be within Area Plan's target units/population – verify more precisely in Specific Plan - still must go through process and there is no guarantee that applicant's number of units/population/commercial will be approved)***

2.8. If Intrawest and the County go forward with the EIR/EA process based on false representations about the total population density planned for the Rodeo Grounds, the EIR/EA will be fraudulent; it will relate to a Specific Plan that is inconsistent with the General Plan and the June Lake Area Plan EIR; and it will under-estimate every impact considered. As such, the EIR/EA will be invalid. ***(see notes above)***

### **3. NOTICE**

3.1. The Mammoth Times contains a section for public notices. The County routinely publishes notices of public hearings in the public notices section. Members of the public who wish to keep themselves informed about upcoming public hearings have come to rely on the County's course-of-dealing regarding such notices. ***(Scoping meeting***

***is not a public hearing – usually held for agencies only. But County broadened input, notified papers, radio, sent out 800 property notices direct mail, notified 80+ member June Lake CAC, posted applicant's proposal on website, etc. Routine for County to broaden input on scoping, but still not an official public hearing – no decision making body involved – only County staff)***

3.2. In the case of the Rodeo Grounds scoping meeting, the County chose to deviate from its normal practice, and did not publish a notice of the meeting in the public notices section. Instead, they published the notice in the back of the paper in Vicki Moffett's column. ***(see note above, no deviation from standard scoping - Times also did a primary article on subject in addition to Moffet column- The Sheet also had a least one article)***

3.3. For the County to deviate from its normal practice and publish the notice of the scoping meeting in an obscure column in the back of the paper, knowing that the public's right to comment on the proceedings in the future might be affected, is sleazy at best, if not downright improper. Such notice should not operate to trigger any limitations period with respect to the scoping meeting. ***(not a scoping comment - see note above)***

3.4. Larry Johnston stated publicly he did not have to personally notify anyone of the meeting because no one lives within 300 feet of the project. Only after a citizen objected did he decide to send out notices. Some of those notices were received only a short time before the April 20th date of the meeting. ***(again, spoke to this writer and one other person at the counter – indicated scoping is not a public hearing but County broadens input for scoping... see note above)***

3.5. All affected public agencies should have been properly notified, including but not limited to: Fish and Game; Department of Transportation; Lahontan; U.S. Forest Service; June Lake P.U.D.; June Lake Fire Department; Los Angeles D.W.P.; A.Q.M.D.; Environmental Protection Agency. If any of these, or any other affected agencies were not provided with proper notice of the scoping meeting, they should not be subject to any limitations period with respect to the meeting. ***(Notice of Preparation/Scoping meeting was sent directly to all affected agencies and to State Clearinghouse – cut off for scoping comments is 5-12-04)***

#### **4. UTILITIES**

4.1. The June Lake Area Plan EIR states, at paragraph 11-37, that the resumption of community development in June Lake will require additional supplies of water to be diverted from existing source if available. If unavailable, new sources will have to within the limits set by the June Lake Area Plan. If development within the density limit *may* require new sources of water, densities in excess of the limit are *more likely* to require new sources. ***(SB 610/221 Water Assessment is part of review requirements – a primary issue)***

4.2. No new water sources should be developed if they would lower the levels of any of the lakes or streams, or the ground water table. *(see note above)*

4.3. No increase in population density should be permitted in the Rodeo Grounds if the increased water usage would deprive other property owners of adequate water to develop their property in the future. *(see note above)*

4.4. The Mono County tax payers should not have to pay for development of new water sources made necessary by population densities over the limit. *(see note above – costs of any required improvements is likely to be required by PUD – but County doesn't control PUD, so consultation with PUD during preparation of Water Assessment/EIR/EA essential)*

## 5. FIRE PROTECTION

5.1. The Mono County General Plan, at paragraph 19.03.111, E3 states that building heights shall not exceed the life saving equipment capabilities of the fire protection agency. The June Lake Fire Department does not have the necessary resources to fight fires in multi-story buildings. Even if they had the equipment, the Fire Department does not have sufficient personnel, and various personnel may be unavailable from time-to-time due to the volunteer nature of the Fire Department. *(another primary issue – like water, consultation with FD essential)*

## 6. MISCELLANEOUS

6.1. Due to the ultra-sensitive nature of the area, the storm drainage system should be designed for a 1-hour, 100 year event. *(100 yr event is not the usual standard; consult with Public Works/Water Board on this)*

6.2. Intrawest will have to prepare a storm water pollution prevention plan pursuant to the Clean Water Act. *(standard requirement for large projects)*

6.3. The following items are attached as exhibits and/or incorporated by reference:

6.3.1. The "June Lake Area Plan Environmental Impact Report", dated 1991; Exhibit 1. A letter from the Department of Transportation to the Planning Department, dated December 12, 2002; *(see more recent letter dated April 20, 2004; received April 23, 2004)*

Exhibit 2. A letter from the Department of Fish and Game to the Planning Department, dated December 13, 2002;

Exhibit 3. A Summary of the results to date of a survey regarding the project *(this is interesting, shows level of community interest, but not a scoping item that must be addressed in EIR/EA other than noting this is a controversial project)*

Craig and Mary Meinhard, June Lake, CA